

JESSICA REYNOLDS,)
)
Plaintiffs,)
)
v.) CIVIL ACTION
) FILE NO. _____
)
VENTRON MANAGEMENT, LLC,)
LAKESHORE GP, LLC)
(d/b/a Lakeshore Apartments))
)
Defendants.)
)

COME NOW, Defendants Ventron Management, LLC and Lakeshore GP, LLC (d/b/a Lakeshore Apartments) (improperly named and identified), by and through undersigned counsel, and respectfully file this Notice of Removal to remove to this Court an action initiated against them in the State Court of Fulton County, Georgia, pursuant to the provisions of 28 U.S.C. §§ 1332 and 1441. In support hereof, Defendants show this Honorable Court as follows:

This action is removable to Federal District Court pursuant to 28 U.S.C. § 1332 based upon diversity jurisdiction.

2.

On or about November 10, 2009, Plaintiffs filed the action styled *Jessica Reynolds v. Ventron Management, LLC & Lakeshore GP, LLC (d/b/a Lakeshore Apartments)*, Civil Action No. 09EV008633E, in the State Court of Fulton County, Georgia.

3.

Defendants were first served with a copy of this Complaint on April 7, 2011.

4.

In accordance with 28 U.S.C. § 1446(a), a copy of the Complaint filed in the State Court action has been attached hereto as Exhibit A.

5.

In accordance with 28 U.S.C. § 1446(d), Defendants have given prompt written notice to all parties, and have filed a separate notice of removal with the Clerk of the State Court of Fulton County in the above-styled action, Case No. 09EV008633E, contemporaneously with the filing of this Notice. Copies of the aforementioned notices are attached hereto as Exhibits B and C.

6.

This notice is being filed pursuant to 28 U.S.C. § 1446(b) within thirty (30) days of Defendants' receipt and notice of the Complaint filed in the original State Court action.

7.

This action is removable to Federal District Court based upon diversity of citizenship which exists between the parties.

8.

Plaintiff is a resident of the State of Georgia.

9.

Defendants Ventron Mangaement, LLC and Lakeshore GP, LLC are limited liability companies. Its members are citizens of the State of Florida. Accordingly, for removal and diversity purposes, Ventron Management, LLC and Lakeshore GP, LLC are considered to be citizens of the State of Florida. (*See Rolling Greens MHP, L.P. v. Comcast SCH Holdings, L.L.C.*, 374 F.3d 1020, 1022 (11th Cir. 2004)) ("the citizenship of an LLC for purposes of diversity jurisdiction is the citizenship of its members." (internal citations omitted)).

10.

This case arises from an incident whereby Plaintiff was allegedly assaulted by an armed intruder who broke into her apartment.

11.

Plaintiff alleges that she was seriously injured by the armed intruder.

12.

Plaintiff alleges that Defendants' negligence proximately caused her injuries.

13.

Plaintiff seeks recovery of damages in an unspecified amount of the following type: emotional distress, past, present and future pain and suffering, general damages, special damages, loss of earning potential, lost wages, past, present and future medical expenses, diminished life expectancy, expenses for physical rehabilitation and other purported losses.

14.

The allegations on the face of the complaint make it clear that more than \$75,000 is at issue in this matter.

15.

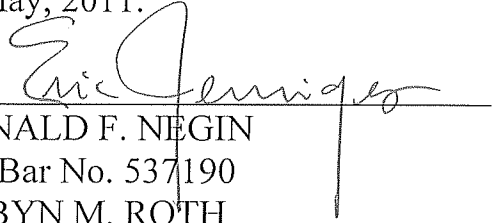
Because diversity of citizenship exists between the parties and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, this Court has original jurisdiction over the controversy pursuant to 28 U.S.C. § 1332(A).

16.

Defendants are therefore entitled to remove this action to the United States District Court for the Northern District of Georgia, Atlanta Division, pursuant to 28 U.S.C. § 1441(a).

WHEREFORE, Defendants pray that the State Court of Fulton County proceed no further with *Jessica Reynolds v. Ventron Management, LLC & Lakeshore GP, LLC (d/b/a Lakeshore Apartments)*, Civil Action No. 09EV008633E, and that said action be removed to this Court. The Defendants further request that there be a trial by jury of all issues so triable.

Respectfully submitted, this 6th day of May, 2011.


RONALD F. NEGIN
GA Bar No. 537190
ROBYN M. ROTH
GA Bar No. 153025
ERIC M. JENNIGES
GA Bar No. 222426
Counsel for Defendants

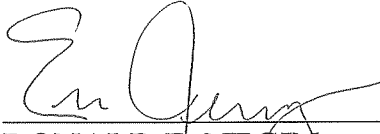
BOVIS, KYLE & BURCH LLC
200 Ashford Center North
Suite 500
Atlanta, GA 30338-2668
Phone: 770-391-9100
Fax: 770-668-0878

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the within and foregoing *Notice of Removal* has been filed with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Careton R. Matthews
4820 Redan Road, Suite B
Stone Mountain, GA 30088

This 6th day of May, 2011.



RONALD F. NEGIN
GA Bar No. 537190
ROBYN M. ROTH
GA Bar No. 153025
ERIC M. JENNIGES
GA Bar No. 222426
Counsel for Defendants

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